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Attorneys for Defendant  
The Hain Celestial Group, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TRACY HOWARD, ADINA RINGLER,  
and TRECEE ARTIS, on behalf of  
themselves and those similarly situated,

Plaintiffs,

v.

THE HAIN CELESTIAL GROUP, INC.,

Defendant.

Case No. 3:22-cv-527-VC

The Honorable Vince Chhabria

**OMNIBUS DECLARATION OF ALEXANDER  
M. SMITH**

I, Alexander M. Smith, declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner at Jenner & Block LLP, which represents The Hain Celestial Group, Inc. in this matter. I offer this declaration in connection with Hain Celestial's opposition to Plaintiffs' motion for class certification, as well as Hain Celestial's concurrently-filed motions to exclude the testimony of Plaintiffs' expert witnesses Colin Weir, Steven Gaskin, and J. Michael Dennis. I have personal knowledge of the facts set forth in this declaration, and I could and would testify competently thereto if called upon to do so.

### **DEPOSITION TRANSCRIPTS**

2. Attached as **Exhibit 32** are true and correct excerpts from the transcript of the deposition of Plaintiff Tre'cee Artis.

3. Attached as **Exhibit 33** are true and correct excerpts from the transcript of the deposition of Plaintiff Tracy Howard.

4. Attached as **Exhibit 34** are true and correct excerpts from the transcript of the deposition of Plaintiff Adina Ringler.

5. Attached as **Exhibit 35** are true and correct excerpts from the transcript of the deposition of Jason Ginsberg in his capacity as Hain Celestial's Rule 30(b)(6) designee.

6. Attached as **Exhibit 36** are true and correct excerpts from the transcript of the deposition of Plaintiffs' expert Colin Weir.

7. Attached as **Exhibit 37** are true and correct excerpts from the transcript of the deposition of Plaintiffs' expert Steven Gaskin.

8. Attached as **Exhibit 38** are true and correct excerpts from the transcript of the deposition of Plaintiffs' expert J. Michael Dennis, Ph.D.

### **OTHER EXHIBITS**

9. Attached as **Exhibit 39** is a true and correct compilation of web pages from Hain Celestial's website, earthsbest.com, which I generated after visiting the website and printing the relevant portions of the webpages to PDF on November 1, 2023.

10. Attached as **Exhibit 40** is a true and correct compilation of web pages from Amazon.com, which I generated after visiting the website and printing the relevant portions of the webpages to PDF on November 1, 2023.

11. Attached as **Exhibit 41** is a true and correct compilation of web pages from Walmart.com, which I generated after visiting the website and printing the relevant portions of the webpages to PDF on November 1, 2023.

12. Attached as **Exhibit 42** is a true and correct copy of a webpage from the U.S. Centers for Disease Control and Prevention titled “Toddlers (2–3 years of age),” which is the same version of the web page of which this Court has already taken judicial notice. *See* ECF No. 42-3, ECF No. 56.

13. Attached as **Exhibit 43** is a true and correct copy of an internal Hain Celestial presentation titled “A pioneer in organic baby food more than 30 years,” which is Bates-numbered HAIN-HOWARD-00010327.

14. Attached as **Exhibit 44** is a true and correct copy of a document titled “Sesame Workshop Nutrition Guidelines for Licensed Food Products,” which is Bates-numbered HAIN-HOWARD-00008184.

15. Attached as **Exhibit 45** is a true and correct copy of Hain Celestial’s verified responses to Plaintiffs’ second set of interrogatories, which are dated June 5, 2023.

16. Attached as **Exhibit 46** is a chart compiling cases in which Plaintiffs’ experts Colin Weir, Steven Gaskin, and J. Michael Dennis have provided expert testimony regarding the calculation of “price premium” damages.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on November 1, 2023 in Los Angeles, California.

By:           /s/ Alexander M. Smith            
Alexander M. Smith